

State of Maine

Board of Overseers of the Bar

GCF# 15-393

BOARD OF OVERSEERS OF THE BAR)
Petitioner)
v.)
ADAM B. ZIMMERMAN)
of Portland, ME)
Me. Bar #4761)
Respondent)

**REPORT OF FINDINGS
GRIEVANCE COMMISSION
PANEL C
M. BAR R. 13**

INTRODUCTION

On September 8, 2016, with due notice, panel C of the Grievance Commission conducted a public disciplinary hearing pursuant to Maine Bar Rule 13(e) concerning misconduct by Respondent Adam B. Zimmerman. On June 7, 2016, Assistant Bar Counsel Alan P. Kelley filed with the Board of Overseers of the Bar [Board] a Disciplinary Petition. On that same date, Bar Counsel served that Disciplinary Petition on Mr. Zimmerman [Zimmerman] along with a Summons requiring him to answer the Petition within twenty-one days.

The Summons specifically warned Zimmerman that failure to file an answer to the Disciplinary Petition within 21 days from the date of service would mean that the misconduct alleged in the Petition “shall be taken as admitted, but you may be heard on the question of sanctions.” Zimmerman did not answer the Board’s Petition. Likewise, Zimmerman did not appear at, nor participate in, the September 8, 2016, public disciplinary hearing.

FINDINGS

Respondent Adam B. Zimmerman of Portland, Maine, was, until the imposition of an administrative suspension, at all times relevant hereto an

attorney duly admitted to and authorized to engage in the practice of law in the State of Maine and/or a suspended Maine Attorney, in all events and respects subject to the Maine Bar Rules and the Maine Rules of Professional Conduct.

Zimmerman was admitted to the Maine bar in 2010 and is currently subject to an administrative non-disciplinary suspension. Effective October 15, 2015, Mr. Zimmerman was administratively suspended by the Board due to his failure to comply with the annual registration requirement of M. Bar R. 4(a), and the continuing legal education credit hours requirement of M. Bar R. 5(a). The Board filed a grievance complaint against Zimmerman on November 24, 2015, as a result of Zimmerman's subsequent failure to file the required affidavit of compliance required by M. Bar R. 4(k)(8) following his summary administrative suspension. Zimmerman failed to file a response in defense of his actions. Such failure to respond to Bar Counsel's inquiries violated M. R. Prof. Conduct 8.1(b).

On May 17, 2016, a panel of the Grievance Commission reviewed this case and found probable cause to believe that Zimmerman had engaged in misconduct subject to sanction under the Maine Bar Rules. Thus, the Grievance Commission panel authorized Bar Counsel to prepare and present a formal disciplinary petition before a different panel of the Grievance Commission.

CONCLUSIONS


Zimmerman violated Maine Bar Rule 4(k)(8) and Maine Rules of Professional Conduct 8.1(b) and 8.4(a)(d). As a consequence of his administrative suspension, he is not currently a licensed member of the Maine Bar, nor has he completed a change of status to inactive or withdrawn. The Maine Bar Rules provide that the purpose of bar disciplinary proceedings is not punishment, but rather, the protection of the public from attorneys who, by their conduct, have demonstrated that they are unable to properly discharge their professional duties. Among the factors to be considered in imposing


sanctions are: the duty violated, the lawyer's mental state, the actual or potential injury caused by the lawyer's misconduct and the existence of any aggravating or mitigating circumstances. See *ABA Standards for Imposing Lawyer Sanctions*, 1991 (ABA Standards).

The first factor to be considered for sanctions under the ABA Standards is to determine what duty has been breached. The Maine Rules of Professional Conduct and the Maine Bar Rules require attorneys to uphold their responsibilities to clients and the courts. Zimmerman violated his duties to the legal system by failing to complete the annual registration requirements in 2015 and by failing to file the required notification affidavit once he was administratively suspended. Zimmerman's neglect caused minor injury to the legal system. The Maine Supreme Judicial Court promulgated the Maine Bar Rules and the Maine Rules of Professional Conduct to govern the practice of law by Maine attorneys. The information collected by the annual registration of lawyers facilitates the protection of the public and courts. Zimmerman's continuing failure to file an affidavit complying with M. Bar R. 4(k)(8), is an aggravating circumstance.

Because the evidence supports a finding that Zimmerman did, in fact, violate the Maine Rules of Professional Conduct, the Panel finds that a public reprimand serves those purposes. Therefore, the Panel concludes that the appropriate disposition of this case is a **Public Reprimand** to Respondent Adam B. Zimmerman which is now hereby issued and imposed upon him pursuant to M. Bar R. 21(B)(5).

Dated: 9/8/16


Robert S. Hark, Esq., Panel Chair


Justin D. LeBlanc, Esq.


Richard P. Dana, Public Member